

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TREVELLE J. TAYLOR,

Petitioner,

vs.

SCOTT FRAKES, NDCS Director;

Respondent.

4:19CV3102

ORDER

This matter is before the court on its own motion. On September 8, 2020, Respondent filed a Notice of Case Submission (filing 11) and notified the court that no reply brief would be filed because there was no brief from Petitioner to which to respond.¹ Subsequently on September 11, 2020, Petitioner filed a brief (filing 12). Petitioner's brief is dated September 7, 2020 and is postmarked September 9, 2020.

Out of an abundance of caution, the court will liberally construe Petitioner's untimely brief as a motion to submit the brief out of time, which motion will be granted. Accordingly,

IT IS ORDERED that:

1. Petitioner's brief (filing 12), construed as a motion to submit the brief out of time, is granted.
2. Respondent shall have 30 days from the date of this order to file a reply to Petitioner's brief. If Respondent elects not to file a reply brief, he should

¹ Petitioner's brief was due on August 21, 2020, or 30 days after Respondent filed and served his answer and supporting brief on July 22, 2020. (See Filing 6 at CM/ECF p. 5.)

inform the court by filing a notice stating that he will not file a reply brief and that the merits of the petition are therefore fully submitted for decision.

3. The clerk of the court is directed to set the following pro se case management deadline using the following text: **October 16, 2020:** Check for Respondent's reply brief.

Dated this 16th day of September, 2020.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge